

**Form 4-832. Writ of certiorari in appeal pursuant to Unemployment Compensation Law.**

[For use with Rule 1-077 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v.

No. \_\_\_\_\_  
Admin. Case No. \_\_\_\_\_

New Mexico Department of Workforce Solutions,

and

\_\_\_\_\_ (*Former Employer or Employee*),  
Respondents.

**WRIT OF CERTIORARI**

To: Office of General Counsel of the State of New Mexico Department of Workforce Solutions

The court has reviewed the petition for writ of certiorari filed in the above-styled case and finds the following:

1. The court has jurisdiction over the Workforce Transition Services Division of the State of New Mexico Department of Workforce Solutions and the other named Respondent and venue is proper in this county;

2. The petitioner has a statutory right to judicial review of the administrative decision in the above-styled case under the Unemployment Compensation Law; and

3. The petition seeks relief from the administrative decision on one or more of the grounds set forth in Subparagraphs (1), (2), or (3) of Paragraph J of Rule 1-077 NMRA.

IT IS THEREFORE ORDERED that the petition for writ of certiorari in the above case be and hereby is granted.

IT IS FURTHER ORDERED that the Workforce Transition Services Division of the State of New Mexico Department of Workforce Solutions prepare and file with this court within twenty

(20) days from the date of service of this writ the record on appeal in compliance with Paragraph G of Rule 1-077 NMRA.

IT IS FURTHER ORDERED that the review in this case shall proceed in compliance with Rule 1-077 NMRA.

\_\_\_\_\_  
District Judge

Dated: \_\_\_\_\_

### **CERTIFICATE OF SERVICE**

I certify that I caused a copy of this writ of certiorari to be served on the following persons or entities by *(delivery)* *(certified mail, postage prepaid)* on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

- (1) Office of General Counsel of the State of New Mexico Department of Workforce Solutions

\_\_\_\_\_  
*(Address)*

- (2) \_\_\_\_\_  
*(Name of Respondent Former Employer or Employee)*

\_\_\_\_\_  
*(Address)*

- (3) \_\_\_\_\_  
*(Name of any other party to the proceedings)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
*(Petitioner) (Attorney for petitioner)*

### **AFFIDAVIT OF SERVICE OF PARTY<sup>1</sup>**

I declare under penalty of perjury that I caused a copy of this writ of certiorari to be served

on the following persons or entities by (delivery) (certified mail, postage prepaid) on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

- (1) Office of General Counsel of the State of New Mexico Department of Workforce Solutions

\_\_\_\_\_  
(Address)

- (2) \_\_\_\_\_  
(Name of Respondent Former Employer or Employee)

\_\_\_\_\_  
(Address)

- (3) \_\_\_\_\_  
(Name of any other party to the proceedings)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Petitioner)

#### USE NOTE

1. If the Petitioner is not represented by counsel, the affidavit of service must be completed.

2. If the petition for writ of certiorari is not filed within thirty (30) days of the final decision issued by the secretary or board of review, the district court will not have jurisdiction to hear the appeal.

3. Both the Department of Workforce Solutions and the former employer or employee must be named and joined as parties (respondents) to the appeal on the petition for writ of certiorari and the writ of certiorari.

[Adopted by Supreme Court Order No. 11-8300-012, effective April 18, 2011.]